

October 12, 2021

**Response to October 5, 2021 Letter Re. EPA Region 5 Initial Response to Petition for
Emergency Action Regarding Drinking Water Issues in Benton Harbor, Michigan**

Dear Ms. Newton:

Thank you for your initial response to our September 9, 2021 petition regarding the ongoing lead action level exceedances in Benton Harbor. We appreciate your willingness to meaningfully engage with the petitioners as you coordinate with multiple stakeholders to ensure the development and implementation of a comprehensive response to the issues raised in our petition.

Our shared goal is to ensure that all Benton Harbor residents have immediate access to safe drinking water both now and into the foreseeable future. Unfortunately, given the state of lead contamination in Benton Harbor's water system and issues at the treatment plant, it is clear that the city of Benton Harbor is incapable of meeting this basic and essential need for at least the next several months and possibly years. Benton Harbor residents have been saying as much for several years but have lacked other options to obtain safe drinking water.

Thankfully, in response to the petition, the EPA along with other governmental stakeholders are beginning to develop and implement alternative methods of supplying water to Benton Harbor residents. The Michigan Department of Health and Human Services recently announced expanded availability of bottled water for pickup at community locations, or for delivery upon request. However, we remain concerned that this response is failing to adequately meet the needs of Benton Harbor residents on a daily and weekly basis. As such, we are requesting additional details from the EPA and other appropriate governmental stakeholders regarding the following:

- **A declaration that the water is unsafe to drink.** To date, state agencies have used ambiguous "out of an abundance of caution" language, which is confusing to residents and some could interpret this to mean the water might be safe. In fact, in conversations with petitioners over the past weekend, Benton Harbor residents expressed skepticism that there was an issue with the water since the water out of their own tap was not discolored, as they might have expected to see. Residents need clear information that the water is not safe to drink because you cannot see, smell, or taste lead in water.
- **A Detailed Bottled Water Distribution Plan That Describes:**
 - Amount of bottled water available per person

- Methods of distribution of bottled water (i.e., available at designated pickup points, home delivery) as well as a description of the equipment and paid workers available to conduct distribution
- How frequently bottled water will be distributed, including days and hours of the week that water is available
- Locations of bottled water distribution sites, preferably in residential areas that are easy to access
- How long bottled water will be available
- Proper storage of bottled water to minimize water quality impacts.
- Public education campaign to notify residents of key details of the Bottled Water Distribution Plan (e.g., mailers, television, radio, newspapers, text announcements)
- **Funding for Local Organizations to Ensure Residents Who Are Distributing Bottled Water to Residents are Paid and Have The Proper Equipment**
 - Water distribution is currently reliant on volunteers receiving and unloading trucks containing hundreds of heavy cases of bottled water. The local organizations doing this work should have funding to pay local residents for this work, and to ensure they have proper equipment, such as ongoing resources to continue the use of forklifts with qualified operators, to perform the work safely and efficiently.
- **Public Education Materials Regarding Lead in Drinking Water**
 - Written public education materials describing the health risks associated with lead in drinking water, including information specifically pertaining to vulnerable populations such as children and pregnant women, must be widely disseminated through mailers, hand delivery accompanying bottled water distribution, or other means.
 - Public education materials must be factually accurate and reviewed by community members and petitioners prior to dissemination. Messaging must be consistent across governments responding to the emergency. Every message is undermined when conflicting statements are made about the role of filters or whether bottled water is just out of an “abundance of caution” from differing government agencies.
 - Public education materials should be available in multiple languages as needed. According to census data, there are over 100 Spanish speakers, approximately a dozen Urdu speakers, and a handful of Arabic speakers in Benton Harbor. Public education materials should be translated into each of these languages and made available with water distributions.
- **Public Health Support Plan That Describes:**
 - Health care options to help Benton Harbor residents manage the health impacts associated with lead exposure.

- Nutritional assistance programs available to assist Benton Harbor residents with managing the health impacts associated with lead exposure.
- Educational assistance programs to assist residents with managing the health impacts associated with lead exposure.
- **Status Update Regarding the Content and Schedule of the Filter Study Plan that ensures the following:**
 - Evaluation of the effectiveness of point-of-use filters on Benton Harbor water quality in the highest risk homes for lead contamination, including influent lead levels that encompass the range of lead detected in compliance samples across the City.
 - Evaluation of filter longevity to ensure water filters maintain their full effectiveness for the use period recommended by the manufacturer given the extent of lead contamination in Benton Harbor.
 - Takes into consideration the potential range of non-lead contaminants that may be present in the distribution system as the result of significant deficiencies at the source, treatment plant, and distribution system.
 - Describes the schedule for collecting and analyzing the appropriate data to address the concerns identified above and evaluating the results.
- **Update to the Corrosion Control Study Plan that ensures the following:**
 - Evaluation of corrosion control effectiveness with a primary focus on sources of lead in household plumbing rather than lead service lines, assuming that all lead service lines will be replaced in Benton Harbor in 12 to 18 months.
- **Lead Service Line Replacement Plan that provides the following:**
 - Schedule for lead service line replacements.
 - Public education to ensure compliance with the ANSI/AWWA Standard C810-17: Replacement and Flushing of Lead Service Lines standard.
 - Distribution of water filters for use up to 6 months following replacement.
 - Records management requirements for updating water system infrastructure inventories.

Given the many issues involved in meeting our shared goal, we think it's necessary for EPA to convene regularly scheduled meetings between all of the relevant stakeholders, including but not limited to representatives from the EPA, EGLE, MDHHS, and the petitioners to discuss the development and implementation of the items described above. In addition to improving coordination and communication amongst the multiple entities, these meetings will provide an opportunity to work through responses to the range of questions petitioners have asked about the status and progress of water infrastructure improvements in Benton Harbor. Specifically, questions were presented in a letter dated July 19, 2021 regarding the rehabilitation of the elevated water storage tank, and another set of questions were presented on September 20, 2021 at EPA R5 request for investigation during EPA's audit of the Benton Harbor water system.

Transparency regarding overall water utility health is critical for providing sustainable safe water for the community of Benton Harbor. We look forward to continuing to work with you to make sure all residents in Benton Harbor have safe drinking water.

Sincerely,

/s/Nicholas Leonard

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